

submitted that claims 30-41 are allowable over the cited references. Applicant has amended the claims to further define the scope of the invention, and to address certain of Examiner's concerns. Applicant respectfully submits that, in light of the amendments and remarks presented herein, the Examiner's rejection of claims 30, 31, 35-38, 40 and 41 under 35 U.S.C. § 102(b), and of claims 32-34 and 39 under 35 U.S.C. § 103(a) are overcome. Applicant submits that the claims are not anticipated by any reference cited by the Examiner.

Objection to Claims

Claim 31 has been amended as suggested by the Examiner. As such, applicant believes the basis for the claim objection has been overcome.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 30-34 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant claims as the invention.

Claim 30 has been amended to recite a "mooring line" instead of a riser line. Applicant respectfully submits that this amendment is fully supported in the originally filed specification.

Applicant respectfully submits that claim 30 should be allowed in its amended form.

Claim 34 has been amended according to the Examiner's suggestion. Claims 31-34 depend from claim 30. As such, Applicant believes the Examiner's rejection of claims 30-34 under 35 U.S.C. §112, second paragraph, should be withdrawn and that claims 30-34 should be allowed.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 30, 31, 35-38, 40 and 41 under 35 U.S.C. § 102(b) as being anticipated by Corley. As the basis for these rejections, the Examiner states:

Corley discloses a buoy (5) adapted for submerged use comprising of: a frame having a first end and a second end, shaft (13) and a first plate/fixed plate and second plate (14, 15), the shaft (13) having a plurality of spaced apart holes along a portion of the length of the shaft that receive a fastener/pin (26); a first buoyancy member (A) mounted on the frame; a plurality of second buoyancy members/third, fourth, fifth buoyancy member (B) selectively mountable on the frame, the greater or lesser number of the second buoyancy members may be used as desired; means for securing/fastener (17,19,26) the second buoyancy member on the frame; means/first and second pad eyes (18) located at the first and second ends of the frame for securing the buoy (5); the buoyancy members are made up of any suitable light material that possesses a very high buoyant effect, such as balsa wood (see Figs. 1-2 and attached figure; pg. 1, lines 68-110; pg. 2, lines 1-110).

There are a number of fundamental differences between the present invention and the reference cited. Corley does not disclose second buoyancy members that are removably mounted on the frame as claimed by the applicant. To the contrary, Corley discloses a buoy that

may have one or more buoyancy members that are *permanently cemented together* to form the buoy.

In order to anticipate under 35 U.S.C. § 102, the cited reference must teach every aspect of the claimed invention either explicitly or implicitly. Any feature not taught explicitly must be present inherently. See M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. Of California*, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). As elaborated in *Richardson v. Suzuki Motor Co.*, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1987).

Applicant points out that the Corley reference relied upon by the Examiner does not disclose, either explicitly or in an implied manner, second buoyancy members removably mounted to the frame to change the buoyancy of the buoy as recited in the amended claims of the present application. In addition, even if the sections of Corley were considered to be removably mountable, the buoyancy of the buoy of Corley is not variable as required by claims 30-41.

Corley merely discloses "a buoy made up of a multiple of segments separated from each other by water-proofing means and protected by a suitable outer water-proofing coating." (Corley, Page 1, lines 59-61). The buoy of Corley is a permanent assembly wherein "[t]he outer coating, or water-proof casing 22, is now to be laid on, which is done by applying successive layers of water-

proof cement and cloth to the surface of the buoyant sections." (Corley, Page 2, lines 72-76). The multiple layers of cement and cloth encasing the segments of Corley certainly render the segments fixed and permanent absent significant demolition. The buoy of Corley, consequently, is not variably buoyant, as is the buoy claimed by the applicant.

In sum, the device disclosed in Corley simply would not address the problem faced by the inventor or provide the innovations claimed in the present application. One purpose of the invention disclosed in the present application is to easily vary the buoyancy of the buoy according to the requirements of a particular mooring line installation. The fundamental purpose of the Corley device is to isolate buoy segments from becoming waterlogged if the buoy is punctured. As such, the two devices do not even share the same purpose. It is therefore submitted that the Examiner's rejection of claims 30, 31, 35-38, 40 and 41 under 35 U.S.C. § 102(b) should be withdrawn and that claims 30, 31, 35-38, 40 and 41 should be allowed.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 32-34 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Corley in view of Havlick. As the basis for these rejections, the Examiner states:

Corley fails to disclose or fairly suggest the buoyancy members are formed from syntactic foam. Havlick discloses buoy construction comprising a buoy (10) formed from urethane foam (36) (see Fig. 1-2; col. 2, lines 44-63; col. 3, lines 51-54). Therefore, in view of Havlick, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Corley's buoyancy material by replacing with syntactic foam, such as urethane foam as taught by Havlick in order to reduce the manufacturing cost and enhance the buoyancy proficiency.

For the reasons stated above, applicant respectfully submits that claims 32-34 and 39 are patentable over Corley even in view of Havlick. Applicant claims removable buoyancy members made of syntactic foam. Corley, in view of Havlick, fails to suggest or motivate the removable syntactic foam buoy members of applicant's invention. Even if the buoy segments of Corley were made of the urethane foam of Havlick, the resulting buoy would not provide the benefits of the applicant's invention. It is therefore submitted that the Examiner's rejection of claims 30, 31, 35-38, 40 and 41 under 35 U.S.C. § 103(a) should be withdrawn and claims 30, 31, 35-38, 40 and 41 should be allowed.

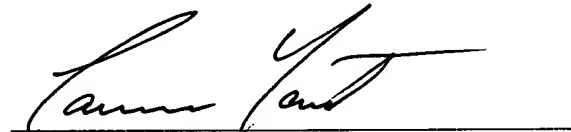
CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims are drawn to novel subject matter, patentably distinct from, and not obvious in light of, the cited reference. The Examiner is therefore respectfully requested to reconsider and withdraw the outstanding rejection and allow claims 30-41 presented for reconsideration herein. Accordingly, a favorable action in the

form of an early notice of allowance is respectfully requested.
The Examiner is requested to call the undersigned for any reason
that would advance the instant application to issue.

Dated this 24th of February, 2000.

Respectfully submitted,

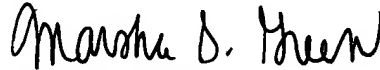


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